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7 Attorneys for Plaintiff
 VERIGY US, INC.

PUBLIC VERSION

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12
 13 VERIGY US, INC, a Delaware Corporation,
 14 Plaintiff,
 15 vs.
 16 ROMI OMAR MAYDER, an individual;
 17 WESLEY MAYDER, an individual; SILICON
 TEST SYSTEMS, INC., a California Corporation;
 and SILICON TEST SOLUTIONS, LLC, a
 18 California Limited Liability Corporation,
 inclusive,
 19 Defendants.
 20
 21

Case No. C07 04330 RMW (HRL)

**DECLARATION OF COLIN G.
 McCARTHY IN SUPPORT OF VERIGY'S
 MOTION TO COMPEL PRODUCTION OF
 DOCUMENTS FROM DEFENDANTS IN
 RESPONSE TO 3RD & 5TH SETS OF
 REQUESTS FOR PRODUCTION**

Date: October 21, 2008
 Time: 10 a.m.
 Ctrm.: 2, 5th Floor
 Judge: Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007
 Trial Date: None Set

22
 23 AND RELATED CROSS-ACTIONS
 24

25 **DOCUMENT SUBMITTED UNDER SEAL**

26 **HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY**
 27 **PURSUANT TO STIPULATED PROTECTIVE ORDER**
 28

1 I, Colin G. McCarthy, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
 3 California, and am an associate with the law firm of Bergeson, LLP, counsel of record for plaintiff
 4 Verigy US, Inc. ("Verigy") in the above-captioned action. Except as to matters stated on
 5 information and belief, which I am informed and believe to be true, I have personal knowledge of
 6 the facts set forth in this declaration, and, if called to do so, I could and would competently testify
 7 thereto.

8 2. Attached hereto as **Exhibit A** is a true and correct copy of Verigy's Third Set of
 9 Requests for Production to Defendants, June 25, 2008.

10 3. Attached hereto as **Exhibit B** is a true and correct copy of Defendants' objections
 11 and responses to Verigy's 3rd Set of Requests for Production, as served on July 23, 2008.

12 4. Attached hereto as **Exhibit C** is a true and correct copy of Defendants' amended
 13 and supplemental responses and objections to Verigy's 3rd Set of Requests for Production, as
 14 amended on August 19, 2008.

15 5. Attached hereto as **Exhibit D** is a true and correct copy of Verigy's 5th Set of
 16 Requests for Production of Documents, served on August 29, 2008.

17 6. Attached hereto as **Exhibit E** is a true and correct copy of Defendants' objections
 18 and responses.

19 7. My colleague Don Gagliardi, and I met and conferred by telephone on September
 20 5, 2008 with Tim Hale, counsel for Defendants, regarding the matters in dispute. As a courtesy to
 21 Mr. Hale and at his Request, I prepared and sent a letter setting forth Verigy's issues with
 22 Defendants response to Requests for Production. Attached hereto as **Exhibit F** is a true and
 23 correct copy of that September 4, 2008 letter.

24 8. In the discussion, Defendants agreed to produce documents responsive to Requests
 25 33, 34, 44, 45, 47, 75, 76, 77, 78, 79, 80, 89, and 100.

26 9. Although Mr. Hale indicated he would ask his client again if there were responsive
 27 documents to other requests, Defendants declined to provide any additional documents to the
 28 remainder of the Requests. Defendants refused to produce documents in their possession which

1 should have been previously produced, claiming that Verigy would have to first identify which
 2 attachments and documents it sought from prior Requests. Mr. Hale also indicated that
 3 Defendants would not produce documents not in their possession but in the control of Defendants'
 4 bank, website hosting company, and the government. During the discussion, Mr. Hale indicated
 5 that Defendants' website was hosted by Network Solutions but that the account was suspended
 6 due to nonpayment.

7 10. Attached hereto as **Exhibit G** is a true and correct copy of a March 25, 2008
 8 document produced by Neoconix in response to a subpoena served by Verigy reflecting an e-mail
 9 exchange between Romi Mayder and Dirk Brown. On information and belief, Defendants have
 10 not produced this document.

11 11. I supervised paralegal review of documents produced by third parties in response to
 12 subpoenas issued by Verigy, which were compared with documents produced by Defendants'.

13 12. Pursuant to that review, we have confirmed that to the best of our knowledge there
 14 are at least 20 documents produced by Innoconix with Defendants as a sender or recipient between
 15 the dates of June 25, 2007 and November 13, 2007, which Defendants have not produced.

16 13. Pursuant to that review, we have confirmed that to the best of our knowledge there
 17 are at least 22 documents produced by Veraconnex with Defendants as a sender or recipient
 18 between the dates of May, 2007 and June, 2008 which Defendants have not produced.

19 14. Pursuant to that review, we have confirmed that to the best of our knowledge there
 20 are at least 131 documents produced by Straube Associates with Defendants as a sender or
 21 recipient between the dates of July 7, 2006 and April 22, 2008, which Defendants have not
 22 produced.

23 15. Pursuant to that review, we have confirmed that to the best of our knowledge there
 24 are at least 14 emails produced by Honeywell with Defendants as a sender or recipient between the
 25 dates of July 23, 2006 and May 7, 2008 which Defendants have not produced.

26 16. Pursuant to that review, we have confirmed that to the best of our knowledge there
 27 are at least 82 documents produced by Neoconix with Defendants as a sender or recipient between
 28 the dates of November 18, 2006 and March 25, 2008, which Defendants have not produced.

1 17. Pursuant to that review, we have confirmed that to the best of our knowledge there
2 are at least 13 emails produced by Richard Foster with Defendants as a sender or recipient
3 between the dates of October 1, 2006 and April 1, 2008 which Defendants have not produced.

4 18. Attached hereto as **Exhibit H** is a true and correct copy of a summary of the
5 documents we reviewed of which we are currently aware that were produced by third parties but,
6 based on our best of our knowledge, have not been produced by Defendants.

7 19. I personally reviewed all sets of Defendants' requests for production of documents
8 served to Verigy in this action, as well as those served by Verigy to Defendants. Verigy has
9 served a total of 102 requests for production of documents in this case; Defendants have served
10 Verigy with 403 such requests.

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct and that this declaration was executed this 10th day of September,
13 2008 at San Jose, California.

/s/
Colin G. McCarthy

EXHIBIT A

1 DANIEL J. BERGESON, Bar No. 105439
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8 Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

13 | VERIGY US, INC, a Delaware Corporation

Case No. C07 04330 RMW (HRL)

14 Plaintiff,

15

vs.

16 ROMI OMAR MAYDER, an individual;
17 WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
18 and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

**PLAINTIFF'S THIRD SET OF REQUEST
FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT SILICON TEST SYSTEMS,
INC.**

Judge: Honorable Ronald M. Whyte
Ctrm: 6

Complaint Filed: August 22, 2007
Trial Date: None Set

1 PROPOUNDING PARTY: Plaintiff VERIGY US, INC.
 2 RESPONDING PARTY: Defendant SILICON TEST SYSTEMS, INC.
 3 SET NUMBER: THREE (3)

4 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Verig US,
 5 Inc. ("VERIGY") hereby demands that within thirty (30) days of the date of service hereof, at the
 6 offices of VERIGY's attorneys of record, Bergeson, LLP, located at 303 Almaden Blvd., Suite
 7 500, San Jose, California 95110, defendant Silicon Test Systems, Inc. ("STS") produce for
 8 inspection and photocopying the originals, or, if the originals are unavailable, copies of the
 9 documents and materials described in this Third Set of Requests for Production, which documents
 10 and materials are in the possession, custody and control of STS or any of its present or former
 11 officers, directors, employees, agents, or representatives, including, but not limited to, its
 12 attorneys.

13 **DEFINITIONS**

14 1. "DOCUMENT" is intended to be understood in its broadest sense and without
 15 limitation, refers to the original and any copies of every tangible form of recorded information,
 16 including, without limitation, all writings, drawings, graphs, charts, photographs, phone records,
 17 video or audiotapes, websites, webpages, and any other data compilations from which information
 18 can be obtained, either directly or with the aid of a machine or device, whether printed, recorded,
 19 reproduced by any process, or written or prepared by hand, including the following:
 20 correspondence, letters, e-mails, memoranda, telexes, reports, COMMUNICATIONS, agreements,
 21 contracts, diaries, calendars, minutes or records of conferences, reports or summaries of
 22 interviews, reports or other records of investigations, opinions or reports of consultants, surveys,
 23 reports or other records (including recordings) of oral conversations, computer printouts and
 24 computer databases, PowerPoint presentations, manuals, advertisements, circulars, trade letters,
 25 press releases, drafts and revisions of any documents, original or preliminary notes, workpapers,
 26 ledgers, bills, invoices, shipping documents, receipts, orders, books, records and files.

27 2. "DOCUMENT" or "DOCUMENTS" includes data stored on network back-up
 28 storage devices and/or tapes.

1 3. “COMMUNICATION(S)” means any oral or written utterance, notation, or
 2 statement of any nature whatsoever, specifically including, but not limited to letters, e - mails,
 3 personal or telephonic conversations, discussion, interviews, or consultations; any type of
 4 telegraphic, telecommunicated, or telecopied message; any type of electronically received,
 5 transmitted, or stored message, note, letter, memorandum, or correspondence; and any writing
 6 that evidences or reflects such communication, whether internal or to or from third parties or
 7 affiliates.

8 4. “PERSON,” as well as pronouns referring thereto, includes not only natural persons,
 9 but also corporations, companies, limited liability companies, firms, partnerships, associations,
 10 joint ventures, and any other entity or units thereof.

11 5. “IDENTIFY” or “IDENTIFIED” means, (a) when used with respect to a PERSON,
 12 that YOU are requested to state the PERSON’s full name, present or last known residence and/or
 13 business address, present or last known residence and/or business telephone numbers, present or last
 14 known employer, and present or last known position in business; and, (b) when used with respect to
 15 DOCUMENT(S), that YOU are requested to state the type (e-mail, letter, fax, etc.), title, date,
 16 author(s) and recipient(s) of the DOCUMENT(S).

17 6. “RELATING TO” or “RELATED TO” a given subject matter means concerning,
 18 comprising, constituting, reflecting, relating to, referring to, stating, describing, recording, pertaining
 19 to, evidencing, noting, embodying, containing, mentioning, studying, analyzing, discussing, and
 20 evaluating.

21 7. “THIS LAWSUIT” means the legal action entitled Verigy US, Inc., vs. Romi Omar
 22 Mayder, et al., United States District Court, Northern District of California, San Jose Division,
 23 Action No. C07-04330 RMW (HRL).

24 8. “PLAINTIFF” or “VERIGY” means and refers to the plaintiff Verigy US, Inc.
 25 VERIGY also means and refers to VERIGY’s predecessor in interest, Agilent Corporation.

26 9. “DEFENDANTS” means and refers to each defendant named herein, including Romi
 27 Mayder, Wesley Mayder, Silicon Test Systems, Inc., and Silicon Test Solutions, LLC, and,
 28 where applicable, their officers, directors, managers, employees, agents or attorneys.

1 10. "ROMI MAYDER" means and refers to defendant Romi Omar Mayder.

2 11. "WES MAYDER" means and refers to defendant Wesley Mayder.

3 12. "STS," "YOU" or "YOUR" means and refers to defendant Silicon Test Systems,
4 Inc., and/or defendant Silicon Test Systems, LLC and/or Silicon Test Solutions, Inc.

5 13. "HONEYWELL" means and refers to Honeywell International Inc., its subsidiaries,
6 divisions, corporate parent, directors, officers, employees, agents, representatives, and attorneys, and
7 each PERSON acting on its behalf or under its control.

8 14. "STRAUBE" means and refers to Chris Straube and/or any PERSON called "Straube
9 Associates."

10 15. "ASIC" means and refers to "application specific integrated circuit."

11 16. "TRO" means and refers to the Order Granting Plaintiff Verigy US, Inc.'s
12 Application for Temporary Restraining Order and Order Authorizing Expedited Discovery; Order to
13 Show Cause Re: Preliminary Injunction, dated August 24, 2007, issued by the Hon. Ronald M.
14 Whyte, United States District Court, Northern District of California.

15 17. "PRELIMINARY INJUNCTION" means and refers to the Order Granting in Part
16 Plaintiff's Motion for a Preliminary Injunction, etc., dated February 29, 2008, issued by the Hon.
17 Ronald M. Whyte, United States District Court, Northern District of California.

18 18. "CONTEMPT ORDER" means and includes the Order Granting Plaintiff's Motion
19 to Find Defendants in Contempt of Court for Violating the TRO, dated May 20, 2008, issued by
20 the Hon. Ronald M. Whyte, United States District Court, Northern District of California.

21 19. "ELECTRONIC STORAGE DEVICES" includes, without limitation, personal
22 computers, compact discs, DVD discs, USB flash drives, Personal Digital Assistants ("PDA"),
23 cellular phones, hard drives, MP3 players, email accounts, Internet-based data storage accounts,
24 portable email devices, external storage devices, or other electronic media.

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28 ///

INSTRUCTIONS

1. When producing the DOCUMENTS, designate which DOCUMENTS are being produced in response to each of the following requests, and if a request contains sub-categories, designate which DOCUMENTS are being produced in response to each sub-category.

2. If YOU withhold under claim of privilege DOCUMENTS which are responsive to this DOCUMENT request, please provide the following information as to each withheld DOCUMENT:

- (a) The subject of the DOCUMENT;
- (b) The title, heading, or caption of the DOCUMENT, if any;
- (c) The identifying number(s), letter(s), or combination thereof, if any, and the significance or meaning of such number(s), letter(s) or combination thereof;
- (d) The date appearing on the DOCUMENT, or if no date appears thereon, the date or approximate date on which the DOCUMENT was prepared;
- (e) The general nature or description of the DOCUMENT (*i.e.*, whether it is a letter, memorandum, minutes of a meeting, etc.) and the number of pages of which it consists;
- (f) The identity of the PERSON who signed the DOCUMENT, and, if it was not signed, the identity of each PERSON who prepared it;
- (g) The identity of each PERSON to whom the DOCUMENT was addressed or sent, and the identity of each PERSON to whom a copy thereof was sent; and
- (h) The identity of each PERSON who has custody of either the original or a copy of each such DOCUMENT.

3. YOU are requested to produce all responsive DOCUMENTS in YOUR actual or constructive possession or under YOUR control or in the actual or constructive possession or control of YOUR attorneys, employees, or agents, which were created during, or which refer or relate, to the relevant time period of this request.

4. A DOCUMENT shall be deemed to be in YOUR "control" if YOU have the right to secure the DOCUMENT or a copy thereof from another PERSON having possession or custody thereof.

1 5. If a DOCUMENT is responsive to a request for production and is in YOUR
2 control, but is not in YOUR possession or custody, YOU are requested to identify the PERSON
3 with possession or custody.

4 6. If ANY such DOCUMENT was at ANY time in YOUR possession, custody, or
5 control, but is no longer in such possession, custody, or control, state whether such DOCUMENT
6 is missing, lost, destroyed, discarded, or has been transferred, voluntarily or involuntarily, to ANY
7 other PERSON or otherwise disposed of; describe the circumstances surrounding, and
8 authorization given, if ANY, for such disposition; and identify the PERSON or PERSONS
9 responsible for such disposition and the PERSON or PERSONS to whom such DOCUMENT was
10 transferred, if ANY.

11 7. All DOCUMENTS shall be produced in the order and in the manner that they were
12 or are kept in the ordinary course of business and shall be reproduced in their original file folders,
13 binders, or other covers or containers, unless that is not possible. ANY DOCUMENTS which
14 must be removed from their original folders, binders, or covers or containers in order to be
15 produced shall be identified in a manner so as to clearly specify where such DOCUMENTS
16 originated.

17 8. If a DOCUMENT cannot be produced in full, YOU are required to produce it to the
18 extent possible, and specify what is being withheld and the reason it is being withheld.

19 9. The obligation to produce the DOCUMENTS requested herein is of a continuing
20 nature; if, at any time after compliance, YOU should acquire possession, custody, or control of
21 any additional DOCUMENTS coming within the scope of any of the individual categories of the
22 REQUEST, YOU are requested to furnish such DOCUMENTS to the attorneys for VERIGY.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 32:

25 All DOCUMENTS previously produced by DEFENDANTS in THIS ACTION, including
26 but not limited to all e-mail attachments, in native file format versions with metadata intact.

REQUEST FOR PRODUCTION NO. 33:

28 All DOCUMENTS RELATING TO any COMMUNICATIONS with Samsung

1 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

2 **REQUEST FOR PRODUCTION NO. 34:**

3 All DOCUMENTS RELATING TO any COMMUNICATIONS with Nextest RELATING
4 TO the Flash Enhancer ASIC or any other product or service of STS.

5 **REQUEST FOR PRODUCTION NO. 35:**

6 All DOCUMENTS RELATING TO any COMMUNICATIONS with Teradyne
7 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

8 **REQUEST FOR PRODUCTION NO. 36:**

9 All DOCUMENTS RELATING TO any COMMUNICATIONS with Numonyx
10 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

11 **REQUEST FOR PRODUCTION NO. 37:**

12 Any DOCUMENTS responsive to all demands for production of documents previously
13 served by VERIGY in THIS LAWSUIT that have been gathered, located, created, generated or
14 received since the date of that prior demand for production of documents.

15 **REQUEST FOR PRODUCTION NO. 38:**

16 All COMMUNICATIONS with any investors or potential investors in STS.

17 **REQUEST FOR PRODUCTION NO. 39:**

18 All COMMUNICATIONS with STRAUBE.

19 **REQUEST FOR PRODUCTION NO. 40:**

20 All COMMUNICATIONS with Grenville Hughes.

21 **REQUEST FOR PRODUCTION NO. 41:**

22 All DOCUMENTS RELATING TO the complete patent file wrapper(s) for all patents
23 applied for or issued to STS or ROMI MAYDER.

24 **REQUEST FOR PRODUCTION NO. 42:**

25 All COMMUNICATIONS with the United States Patent and Trademark Office
26 RELATING TO all patents applied for or issued to STS or ROMI MAYDER.

27 **REQUEST FOR PRODUCTION NO. 43:**

28 All COMMUNICATIONS with Schneck & Schneck RELATING TO all patents applied

1 for or issued to STS or ROMI MAYDER.

2 **REQUEST FOR PRODUCTION NO. 44:**

3 All DOCUMENTS RELATING TO any prototype ASIC specified, designed, developed,
4 built, manufactured or produced by STS or ROMI MAYDER..

5 **REQUEST FOR PRODUCTION NO. 45:**

6 A copy of the prototype ASIC delivered to Intel Corporation in or about November 2007.

7 **REQUEST FOR PRODUCTION NO. 46:**

8 An exemplar of the current version of the Flash Enhancer ASIC.

9 **REQUEST FOR PRODUCTION NO. 47:**

10 All DOCUMENTS RELATING TO the current or any updated version the Flash Enhancer
11 ASIC, including but not limited to, specifications, engineering notebooks, lab notebooks, data
12 sheets, test results or e-mail.

13 **REQUEST FOR PRODUCTION NO. 48:**

14 All DOCUMENTS RELATING TO any plans for future products.

15 **REQUEST FOR PRODUCTION NO. 49:**

16 All credit card statements reflecting any orders or purchases from bookfactory.com.

17 **REQUEST FOR PRODUCTION NO. 50:**

18 All DOCUMENTS RELATING TO all versions ever posted of the STS website.

19 **REQUEST FOR PRODUCTION NO. 51:**

20 All DOCUMENTS ever made available through the STS website.

21 **REQUEST FOR PRODUCTION NO. 52:**

22 All COMMUNICATIONS with Dick Weber.

23 **REQUEST FOR PRODUCTION NO. 53:**

24 All COMMUNICATIONS with Richard Foster.

25 Dated: June 23, 2008

BERGESON, LLP

26 By:

Michael W. Stebbins
Attorneys for Plaintiff
VERIGY US, INC.

CERTIFICATE OF SERVICE

I declare as follows:

I am an employee in Santa Clara County, the county in which the service described below occurs. My business address is 303 Almaden Boulevard, Suite 500, San Jose, California 95110. I am over the age of eighteen (18) years and am not a party to the cause for which I am serving the document(s) named below.

On June 23, 2008, I served the within:

**PLAINTIFF'S THIRD SET OF REQUESTS FOR PRODUCTION TO DEFENDANT
SILICON TEST SYSTEMS, INC.**

on the parties below by placing a true copy thereof in a sealed envelope and served same as follows:

X BY ELECTRONIC MAIL: I caused said documents to be sent via electronic mail to the interested party at the following email listed below. FRCP Title II, §5(b)(2)(D).

**ATTORNEYS FOR DEFENDANTS ROMI O. MAYDER, WESLEY MAYDER,
SILICON TEST SYSTEMS, INC., and SILICON TEST SOLUTIONS, LLC.**

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John Kelley, Esq.
Russo & Hale LLP
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Palo Alto, CA 94301
Ph: 650.327.9800
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jrusso@computerlaw.com
jkkelley@computerlaw.com

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 23, 2008, at San Jose, California.

Virginia Ross
Virginia Ross

EXHIBIT B

1 JACK RUSSO (State Bar No. 96068)
2 TIM C. HALE (State Bar No. 114905).
3 JOHN KELLEY (State Bar No. 100714)
4 RUSSO & HALE LLP
5 401 Florence Street
6 Palo Alto, CA 94301
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10 Attorneys for Defendants and Counterclaimants
11 ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
12 SILICON TEST SOLUTIONS, LLC and WESLEY
13 MAYDER

14 IN THE UNITED STATES DISTRICT COURT
15 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 VERIGY US, INC., a Delaware Corporation,
18 Plaintiff,
19 v.
20 ROMI MAYDER, an individual; WESLEY
21 MAYDER, an individual; SILICON TEST
22 SYSTEMS, INC., a California Corporation;
23 and SILICON TEST SOLUTIONS, LLC, a
24 California Limited Liability Corporation,
25 inclusive,
26 Defendants.

27 Case No. 5:07-cv-04330-RMW (HRL)

28 **DEFENDANT SILICON TEST SYSTEMS,
INC.'S RESPONSES & OBJECTIONS TO
PLAINTIFF VERIGY US, INC.'S THIRD
SET OF REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Complaint Filed: August 22, 2007
Trial Date: December 8, 2008 (jury trial)
(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

29 AND RELATED COUNTERCLAIMS.

1

2 PROPOUNDING PARTY: Plaintiff VERIGY US, INC.

3

RESPONDING PARTY: Defendant SILICON TEST SYSTEMS, INC.

4

SET NO.: THREE (3)

5

Defendant SILICONT TEST SYSTEMS, INC. ("STS") hereby responds to the Third
6 Request for Production of Documents (collectively, the "Requests;" severally, each "Request")
7 from plaintiff Verigy US, Inc. ("Verigy") as follows:

8

GENERAL OBJECTIONS

9

1. STS objects to each Request to the extent that it seeks disclosure of information that
is protected by the attorney-client privilege and/or the work product doctrine, and STS shall not
provide any such privileged information. STS understands the Requests not to encompass
privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
any of its legal counsel in this action, past or current) and STS shall neither produce nor include
such documents in a privilege log.

15

2. STS objects to each Request to the extent responsive documents are in the
possession, custody, or control of other persons, that are publicly available, or that are already in
Verigy's possession, custody or control and, because such documents may be obtained more
readily by Verigy from its own sources, as being unwarranted, oppressive, and unduly burdensome.
STS further specifically objects to the purported instruction that it produce documents that are
possessed by "former officers, directors, employees, agents or representatives, including, but not
limited to, its attorneys." STS will not produce documents possessed by such former persons or its
attorneys.

23

3. STS objects generally to each Request to the extent that it would violate any
individual's right to privacy and/or violate the confidentiality provisions of any contract(s). STS
will not produce any documents where such production would violate an individual's right to
privacy and/or violate the confidentiality provisions of any contract(s).

27

28

1 4. STS objects generally to each Request to the extent it is overly broad and unduly
 2 burdensome, and to the extent it seeks information that is neither relevant to the disputed issues in
 3 this action nor reasonably calculated to lead to the discovery of admissible evidence.

4 5. STS objects to each Request to the extent that it purports to impose burdens on STS
 5 that are inconsistent with, or not otherwise authorized by, the Federal Rules of Civil Procedure
 6 ("FRCP"). STS will construe and respond to each Request in a manner consistent with the FRCP
 7 and not otherwise.

8 6. STS objects to each Request to the extent that it is vague, ambiguous, or
 9 unintelligible.

10 7. STS objects to each Request to the extent that it seeks information or material that
 11 is not relevant to the issues in dispute in this action, or that are not reasonably calculated to lead to
 12 the discovery of relevant documents or information in this action.

13 8. STS objects to each Request as burdensome and oppressive to the extent it purports
 14 to obligate STS to re-produce documents previously produced or made of record in this action, and
 15 STS declines such re-production. STS objects to the entire set of Requests as unduly burdensome
 16 and oppressive in light of Verigy's having served such Requests while a prior document request
 17 was still pending.

18 9. STS objects to the purported instruction that it identify persons in possession of
 19 certain documents as placing burdens upon STS not placed upon it by the FRCP, and STS shall not
 20 do so.

21 10. STS objects to the purported instruction that it provide information about
 22 documents it previously possessed as placing burdens on STS not placed upon it by the FRCP, and
 23 STS shall not do so.

24 These General Objections shall be deemed to be incorporated in full into the response to
 25 each specific response to the Requests set forth below and any responses are subject to the
 26 limitations and objections set forth herein, and are without prejudice to STS's rights with respect
 27 hereto.

28 //

1 **RESPONSES TO REQUESTS FOR PRODUCTION**

2 **REQUEST FOR PRODUCTION NO. 32:**

3 All DOCUMENTS previously produced by DEFENDANTS in THIS ACTION, including
4 but not limited to all e-mail attachments, in native file format versions with metadata intact.

5 **RESPONSE:**

6 STS objects to this Request as purporting to require the re-production of every single
7 document produced by any defendant, which documents amount to over 50,000 in number, and in
8 that regard as overly broad, unduly burdensome, and harassing. Plaintiff's failure to specify this
9 form of production at the time its initial requests for production were served does not produce an
10 obligation in defendants to undergo the considerable effort and expense in making such a re-
11 production in the shortened time frame allotted for discovery. STS further objects to this Request
12 as unduly burdensome, expensive and oppressive in light of Verigy's having previously asked for,
13 and received, such documents in a different format, namely "searchable pdf," such that production
14 in a third format is unreasonable. STS objects to this Request as lacking foundation to the extent it
15 assumes that every document previously produced would have "metadata" associated with it.

16 **REQUEST FOR PRODUCTION NO. 33:**

17 All DOCUMENTS RELATING TO any COMMUNICATIONS with Samsung
18 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

19 **RESPONSE:**

20 STS objects to this Request as vague and ambiguous to the extent that it purports to require
21 production of all COMMUNICATIONS with Samsung without specifying the parties to such
22 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
23 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
24 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
25 undefined terms "Samsung" and "any other product or service of STS." STS objects to this
26 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
27 not reasonably calculated to lead to the discovery of relevant documents or information in this

28 //

1 action, including but not limited to documents relating to any such other STS products or services,
 2 which Verigy has no right to discover.

3 **REQUEST FOR PRODUCTION NO. 34:**

4 All DOCUMENTS RELATING TO any COMMUNICATIONS with Nextest RELATING
 5 TO the Flash Enhancer ASIC or any other product or service of STS.

6 **RESPONSE:**

7 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 8 production of all COMMUNICATIONS with Nextest without specifying the parties to such
 9 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
 10 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
 11 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
 12 undefined terms "Nextest" and "any other product or service of STS." STS objects to this Request
 13 as seeking documents that are not relevant to the issues in dispute in this action, or that are not
 14 reasonably calculated to lead to the discovery of relevant documents or information in this action,
 15 including but not limited to documents relating to any such other STS products or services, which
 16 Verigy has no right to discover.

17 **REQUEST FOR PRODUCTION NO. 35:**

18 All DOCUMENTS RELATING TO any COMMUNICATIONS with Teradyne
 19 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

20 **RESPONSE:**

21 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 22 production of all COMMUNICATIONS with Teradyne without specifying the parties to such
 23 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
 24 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
 25 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
 26 undefined terms "Teradyne" and "any other product or service of STS." STS objects to this
 27 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
 28 not reasonably calculated to lead to the discovery of relevant documents or information in this

1 action, including but not limited to documents relating to any such other STS products or services,
 2 which Verigy has no right to discover.

3 **REQUEST FOR PRODUCTION NO. 36:**

4 All DOCUMENTS RELATING TO any COMMUNICATIONS with Numonyx
 5 RELATING TO the Flash Enhancer ASIC or any other produce or service of STS.

6 **RESPONSE:**

7 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 8 production of all COMMUNICATIONS with Numonyx without specifying the parties to such
 9 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
 10 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
 11 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
 12 undefined terms "Numonyx" and "any other product or service of STS." STS objects to this
 13 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
 14 not reasonably calculated to lead to the discovery of relevant documents or information in this
 15 action, including but not limited to documents relating to any such other STS products or services,
 16 which Verigy has no right to discover.

17 **REQUEST FOR PRODUCTION NO. 37:**

18 Any DOCUMENTS responsive to all demands for production of documents previously
 19 served by VERIGY in THIS LAWSUIT that have been gathered, located, created, generated or
 20 received since the date of that prior demand for production of documents.

21 **RESPONSE:**

22 STS objects to this Request to the extent that it purports to require STS to produce
 23 documents in response to requests for production previously served on other defendants over
 24 whose documents STS does not have possession, custody, or control, and therefore as more
 25 appropriately addressed to these defendants, and in that regard as overly broad, unduly
 26 burdensome, and harassing. STS shall interpret this Request as not requiring the production of
 27 documents not in its possession, custody or control. STS objects to this Request to the extent that
 28 it requires the production of privileged documents under the attorney-client, work product, or other

1 applicable doctrine and STS shall not provide any such privileged information, even if previously
 2 inadvertently produced. STS understands this Request not to encompass privileged documents
 3 created after the filing of the action by Verigy (e.g., emails between STS and any of its legal
 4 counsel in this action, past or current) and STS shall neither produce nor include such documents
 5 in a privilege log. Subject to and without waiving the foregoing objections, STS responds that it
 6 has no such documents, but to the extent that STS locates any such responsive documents in the
 7 future, it understands that it has an obligation to produce them in this action.

8 **REQUEST FOR PRODUCTION NO. 38:**

9 Any COMMUNICATIONS with any investors or potential investors in STS.

10 **RESPONSE:**

11 STS objects to this Request as duplicative of previous discovery requests already served,
 12 and in that regard as oppressive and unduly burdensome. STS objects to this Request as vague and
 13 ambiguous to the extent that it purports to require production of all COMMUNICATIONS with
 14 investors or potential investors without specifying the parties to such COMMUNICATIONS. STS
 15 objects to this Request to the extent that it requires the production of privileged documents under
 16 the attorney-client, work product, or other applicable doctrine, or any right of privacy, and STS
 17 shall not provide any such privileged information. STS understands this Request not to encompass
 18 privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
 19 any of its legal counsel in this action, past or current) and STS shall neither produce nor include
 20 such documents in a privilege log. STS objects to this Request as vague and ambiguous as to time,
 21 and in that regard as overbroad and unduly burdensome. STS objects to this Request as seeking
 22 documents that are not relevant to the issues in dispute in this action, or that are not reasonably
 23 calculated to lead to the discovery of relevant documents or information in this action. STS
 24 objects to this Request as vague and ambiguous in its use of the undefined terms "investors" and
 25 "potential investors." Subject to and without waiving the foregoing objections, and based on a
 26 reasonable understanding of the terms "investors" and "potential investors," STS responds that all
 27 non-privileged, responsive documents have previously been produced by STS.

28 //

REQUEST FOR PRODUCTION NO. 39:

2 All COMMUNICATIONS with STRAUBE.

RESPONSE:

4 STS objects to this Request as duplicative of previous discovery requests already served,
 5 and in that regard as oppressive and unduly burdensome. STS objects to this Request to the extent
 6 that it requires the production of privileged documents under the attorney-client, work product, or
 7 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 8 information. STS understands this Request not to encompass privileged documents created after
 9 the filing of the action by Verigy (e.g., emails between STS and any of its legal counsel in this
 10 action, past or current) and STS shall neither produce nor include such documents in a privilege
 11 log. STS objects to this Request as vague and ambiguous as to time and subject matter, and in that
 12 regard as overbroad and unduly burdensome. STS objects to this Request as seeking documents
 13 that are not relevant to the issues in dispute in this action, or that are not reasonably calculated to
 14 lead to the discovery of relevant documents or information in this action. Subject to and without
 15 waiving the foregoing objections, STS responds that it will produce all non-privileged, responsive
 16 documents not previously produced.

REQUEST FOR PRODUCTION NO. 40:

18 All COMMUNICATIONS with Grenville Hughes.

RESPONSE:

20 STS objects to this Request as duplicative of previous discovery requests already served,
 21 and in that regard as oppressive and unduly burdensome. STS objects to this Request to the extent
 22 that it requires the production of privileged documents under the attorney-client, work product, or
 23 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 24 information. STS understands this Request not to encompass privileged documents created after
 25 the filing of the action by Verigy (e.g., emails between STS and any of its legal counsel in this
 26 action, past or current) and STS shall neither produce nor include such documents in a privilege
 27 log. STS objects to this Request as vague and ambiguous as to time and subject matter, and in that
 28 regard as overbroad and unduly burdensome. STS objects to this Request as seeking documents

1 that are not relevant to the issues in dispute in this action, or that are not reasonably calculated to
 2 lead to the discovery of relevant documents or information in this action. Subject to and without
 3 waiving the foregoing objections, STS responds that all non-privileged, responsive documents
 4 have previously been produced by STS.

5 **REQUEST FOR PRODUCTION NO. 41:**

6 All DOCUMENTS RELATING TO the complete patent file wrapper(s) for all patents
 7 applied for or issued to STS or ROMI MAYDER.

8 **RESPONSE:**

9 STS objects to this Request to the extent it seeks information that is in the public domain,
 10 and is therefore equally available to plaintiff from its own sources and in that regard as unduly
 11 burdensome. STS objects to this Request to the extent that it fails to specify whether the patents to
 12 which it purports to refer are issued by the United States or another country; in light of Request
 13 No. 42, below, STS will interpret this request as seeking documents pertaining only to patents
 14 issued by the United States. STS objects to this Request to the extent that it seeks documents that
 15 are not in the possession, custody or control of STS. STS objects to this Request to the extent it
 16 seeks information as to patents that are not relevant to this dispute, or that are not reasonably
 17 calculated to lead to the discovery of relevant documents or information in this action and in that
 18 regard as overly broad, and unduly burdensome. Subject to the foregoing objections, STS responds
 19 that any such documents are in the possession of third parties, and it is working diligently to gather
 20 these documents from where they currently reside, and will be producing these documents as they
 21 become available and are reviewed for privilege.

22 **REQUEST FOR PRODUCTION NO. 42:**

23 All COMMUNICATIONS with the United States Patent and Trademark Office
 24 RELATING TO all patents applied for or issued to STS or ROMI MAYDER.

25 **RESPONSE:**

26 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 27 production of all COMMUNICATIONS with the United States Patent and Trademark Office
 28 without specifying the parties to such COMMUNICATIONS. STS objects to this Request as not

1 having specified a time frame in which COMMUNICATIONS are purported to have taken place
 2 and in that regard as overly broad, unduly burdensome, vague and ambiguous. STS objects to this
 3 Request to the extent it seeks information as to patents that are not relevant to this dispute, or that
 4 are not reasonably calculated to lead to the discovery of relevant documents or information in this
 5 action, and in that regard as overly broad and unduly burdensome. Subject to and without waiving
 6 the foregoing objections, STS responds that any such documents are in the possession of third
 7 parties, and it is working diligently to gather these documents from where they currently reside,
 8 and will be producing these documents as they become available and are reviewed for privilege.

9 **REQUEST FOR PRODUCTION NO. 43:**

10 All COMMUNICATIONS with Schneck & Schneck RELATING TO all patents applied
 11 for or issued to STS or ROMI MAYDER.

12 **RESPONSE:**

13 STS objects to this Request to the extent that it requires the production of privileged
 14 documents under the attorney-client, work product, the right of privacy, or other applicable
 15 doctrine and STS shall not provide any such privileged information. STS understands this Request
 16 not to encompass privileged documents created after the filing of the action by Verigy (e.g., emails
 17 between STS and any of its legal counsel in this action, past or current) and STS shall neither
 18 produce nor include such documents in a privilege log. Subject to and without waiving the
 19 foregoing objections, STS responds that all such documents are privileged under the attorney-client
 20 and work product doctrine, and it shall not produce documents in response to this Request.

21 **REQUEST FOR PRODUCTION NO. 44:**

22 All DOCUMENTS RELATING TO any prototype ASIC specified, designed, developed,
 23 built, manufactured or produced by STS or ROMI MAYDER.

24 **RESPONSE:**

25 STS objects to this Request as duplicative of previous discovery requests already served,
 26 and in that regard as oppressive and unduly burdensome. STS objects to this Request to the extent
 27 that it requires the production of privileged documents under the attorney-client, work product, the
 28 right of privacy, or other applicable doctrine and STS shall not provide any such privileged

1 information. STS understands this Request not to encompass privileged documents created after
 2 the filing of the action by Verigy (e.g., emails between STS and any of its legal counsel in this
 3 action, past or current) and STS shall neither produce nor include such documents in a privilege
 4 log. STS objects to this Request to the extent it seeks information as to products that are not
 5 relevant to this dispute, or that are not reasonably calculated to lead to the discovery of relevant
 6 documents or information in this action, and in that regard as overly broad and unduly
 7 burdensome. STS objects to this Request as vague and ambiguous as to time, and in that regard as
 8 overly broad and unduly burdensome. STS objects to this Request as vague and ambiguous as to
 9 the undefined term "prototype." Subject to and without waiving the foregoing objections, and
 10 based on a reasonable understanding of the term "prototype," STS responds that it will produce any
 11 non-privileged, responsive documents in its possession, custody or control that have not previously
 12 been produced relating to the Flash Enhancer ASIC.

13 **REQUEST FOR PRODUCTION NO. 45:**

14 A copy of the prototype ASIC delivered to Intel Corporation in or about November 2007.

15 **RESPONSE:**

16 STS objects to this Request as vague and ambiguous as to the undefined term "prototype."
 17 Subject to and without waiving the foregoing objection, and based on a reasonable understanding
 18 of the term "prototype," STS responds that it has no such documents or things.

19 **REQUEST FOR PRODUCTION NO. 46:**

20 An exemplar of the current version of the Flash Enhancer SIC.

21 **RESPONSE:**

22 STS objects to this Request to the extent that it purports to require production of documents
 23 or things that have previously been produced, and in that regard as unduly burdensome. STS
 24 objects to this Request as vague and ambiguous in its use of the undefined terms "current version"
 25 and "Flash Enhancer SIC." Subject to and without waiving the foregoing objections, and based on
 26 a reasonable understanding of the terms "current version" and "Flash Enhancer SIC," STS
 27 responds that pursuant to the Preliminary Injunction in place in this matter, all such documents
 28 have previously been produced by STS.

REQUEST FOR PRODUCTION NO. 47:

All DOCUMENTS RELATING TO the current or any updated version of the Flash Enhancer ASIC, including but not limited to, specifications, engineering notebooks, lab notebooks, data sheets, test results or e-mail.

RESPONSE:

STS objects to this Request to the extent that it requires the production of privileged documents under the attorney-client, work product, the right of privacy, or other applicable doctrine and STS shall not provide any such privileged information. STS understands this Request not to encompass privileged documents created after the filing of the action by Verigy (e.g., emails between STS and any of its legal counsel in this action, past or current) and STS shall neither produce nor include such documents in a privilege log. STS objects to this Request to the extent that it purports to require production of documents or things that have previously been produced, and in that regard as unduly burdensome. STS objects to this Request as vague and ambiguous as to time, and in that regard as overly broad and unduly burdensome. STS objects to this Request as vague and ambiguous as to the undefined term "current or any updated version of the Flash Enhancer ASIC." Subject to and without waiving the foregoing objections, and based on a reasonable understanding of the phrase "current or any updated version of the Flash Enhancer ASIC," STS responds that it will produce any non-privileged, responsive documents that have not previously been produced by STS.

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS RELATING TO any plans for future products.

RESPONSE:

STS objects to this Request to the extent it seeks information as to patents that are not relevant to this dispute, and in that regard as not reasonably calculated to lead to the discovery of admissible evidence, overly broad, and unduly burdensome. STS objects to this requests to the extent that it requires the production of privileged documents under the attorney-client, work product, the right of privacy, or other applicable doctrine and STS shall not provide any such privileged information. STS understands this Request not to encompass privileged documents

1 created after the filing of the action by Verigty (e.g., emails between STS and any of its legal
 2 counsel in this action, past or current) and STS shall neither produce nor include such documents
 3 in a privilege log. STS objects to this Request as vague and ambiguous as to the undefined terms
 4 “plans” and “future products.” STS objects to this Request to the extent it seeks information as to
 5 products that are not relevant to this dispute, or that are not reasonably calculated to lead to the
 6 discovery of relevant documents or information in this action, and in that regard as overly broad
 7 and unduly burdensome. Subject to and without waiving the foregoing objections, and based on a
 8 reasonable understanding of the terms “plans” and “future products,” STS responds that it has no
 9 such documents.

10 **REQUEST FOR PRODUCTION NO. 49:**

11 All credit card statements reflecting any orders or purchases from bookfactory.com

12 **RESPONSE:**

13 STS objects to this Request to the extent it seeks information as to matters that are not
 14 relevant to this dispute, and that is not reasonably calculated to lead to the discovery of admissible
 15 evidence, and is overly broad and unduly burdensome. STS objects to this Request to the extent
 16 that it requires the production of documents protected by the right of privacy. STS objects to this
 17 Request as unlimited as to time, and in that regard as vague, ambiguous and unduly burdensome.
 18 STS objects to this Request as failing to specify the parties to the purported orders or purchases,
 19 and in that regard as vague and ambiguous. STS objects to this Request as vague and ambiguous
 20 in its use of the undefined term “reflecting.” Subject to and without waiving the foregoing
 21 objections, and based on a reasonable understanding of the term “reflecting,” STS responds that it
 22 has no such documents.

23 **REQUEST FOR PRODUCTION NO. 50:**

24 All DOCUMENTS RELATING TO all versions ever posted of the STS website.

25 **RESPONSE:**

26 STS objects to this Request to the extent it seeks information as to matters that are not
 27 relevant to this dispute, and that are not calculated to lead to the discovery of admissible evidence
 28 in this action, in that regard as overly broad and unduly burdensome. STS objects to this Request

1 in that it purports to seek production of documents that are equally available to STS through its
 2 own or public sources such as the "Wayback Machine," and in that regard as overly broad and
 3 unduly burdensome. STS objects to this Request in its use of the undefined terms "versions,"
 4 "posted," and "STS website." Subject to and without waiving the foregoing objections, and based
 5 on a reasonable understanding of the terms "versions," "posted," and "STS website," STS responds
 6 that all responsive documents have previously been produced by STS.

7 **REQUEST FOR PRODUCTION NO. 51:**

8 All DOCUMENTS ever made available through the STS website.

9 **RESPONSE:**

10 STS objects to this Request to the extent it seeks information as to matters that are not
 11 relevant to this dispute, or that are not reasonably calculated to lead to the discovery of admissible
 12 evidence in this action, and in that regard as overly broad and unduly burdensome. STS objects to
 13 this Request as unspecified as to time, and in that regard as overly broad and unduly burdensome.
 14 Subject to and without waiving the foregoing objections, STS responds that all responsive
 15 documents have previously been produced by STS.

16 **REQUEST FOR PRODUCTION NO. 52:**

17 All COMMUNICATIONS with Dick Weber.

18 **RESPONSE:**

19 STS objects to this Request as duplicative of previous discovery requests already served,
 20 and in that regard as oppressive and unduly burdensome. STS objects to this request to the extent
 21 that it requires the production of privileged documents under the attorney-client, work product, or
 22 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 23 information. STS understands this Request not to encompass privileged documents created after
 24 the filing of the action by Verigty (e.g., emails between STS and any of its legal counsel in this
 25 action, past or current) and STS shall neither produce nor include such documents in a privilege
 26 log. STS objects to this Request as vague and ambiguous as to time and subject matter, and in that
 27 regard as overbroad and unduly burdensome. STS objects to this Request as seeking documents
 28 that are not relevant to the issues in dispute in this action, or that are not reasonably calculated to

1 lead to the discovery of relevant documents or information in this action. Subject to and without
 2 waiving the foregoing objections, STS responds that all non-privileged, responsive documents
 3 have previously been produced by STS.

4 **REQUEST FOR PRODUCTION NO. 53:**

5 All COMMUNICATIONS with Richard Foster.

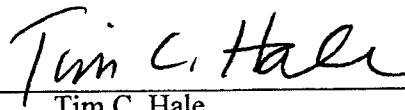
6 **RESPONSE:**

7 STS objects to this Request as duplicative of previous discovery requests already served,
 8 and in that regard as oppressive and unduly burdensome. STS objects to this requests to the extent
 9 that it requires the production of privileged documents under the attorney-client, work product, or
 10 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 11 information. STS understands this Request not to encompass privileged documents created after
 12 the filing of the action by Verigy (e.g., emails between STS and any of its legal counsel in this
 13 action, past or current) and STS shall neither produce nor include such documents in a privilege
 14 log. STS objects to this Request as vague and ambiguous as to time and subject matter, and in that
 15 regard as overbroad and unduly burdensome. STS objects to this Request as seeking documents
 16 that are not relevant to the issues in dispute in this action, or that are not reasonably calculated to
 17 lead to the discovery of relevant documents or information in this action. Subject to and without
 18 waiving the foregoing objections, STS responds that all non-privileged, responsive documents
 19 have previously been produced by STS.

20 Dated: July 23, 2008

RUSSO & HALE LLP

21 By:



22 Tim C. Hale

23 Attorneys for Defendants and Counterclaimants
 24 ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
 25 SILICON TEST SOLUTIONS, LLC and WESLEY
 26 MAYDER

EXHIBIT C

ORIGINAL

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 2 TIM C. HALE (State Bar No. 114905).
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7 Attorneys for Defendants and Counterclaimants
 8 ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
 9 SILICON TEST SOLUTIONS, LLC and WESLEY
 MAYDER

10 IN THE UNITED STATES DISTRICT COURT

11 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

13 VERIGY US, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

16 ROMI MAYDER, an individual; WESLEY
 17 MAYDER, an individual; SILICON TEST
 18 SYSTEMS, INC., a California Corporation;
 and SILICON TEST SOLUTIONS, LLC, a
 19 California Limited Liability Corporation,
 inclusive,

20 Defendants.

21 Case No. 5:07-cv-04330-RMW (HRL)

22 DEFENDANT SILICON TEST SYSTEMS,
 23 INC.'S AMENDED & SUPPLEMENTAL
 24 RESPONSES & OBJECTIONS TO
 25 PLAINTIFF VERIGY US, INC.'S THIRD
 26 SET OF REQUESTS FOR PRODUCTION
 27 OF DOCUMENTS

28 Complaint Filed: August 22, 2007
 Trial Date: December 8, 2008 (jury trial)
 Defendants have elected to reserve their jury
 trial rights under F.R.C.P., Rule 38

29 AND RELATED COUNTERCLAIMS.

1 PROPOUNDING PARTY: Plaintiff VERIGY US, INC.

2 RESPONDING PARTY: Defendant SILICON TEST SYSTEMS, INC.

3 SET NO.: THREE (3)

4 Defendant SILICONT TEST SYSTEMS, INC. ("STS") hereby responds to the Third
 5 Request for Production of Documents (collectively, the "Requests;" severally, each "Request")
 6 from plaintiff Verigy US, Inc. ("Verigy") as follows:

7 **GENERAL OBJECTIONS**

8 1. STS objects to each Request to the extent that it seeks disclosure of information that
 9 is protected by the attorney-client privilege and/or the work product doctrine, and STS shall not
 10 provide any such privileged information. STS understands the Requests not to encompass
 11 privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
 12 any of its legal counsel in this action, past or current) and STS shall neither produce nor include
 13 such documents in a privilege log.

14 2. STS objects to each Request to the extent responsive documents are in the
 15 possession, custody, or control of other persons, that are publicly available, or that are already in
 16 Verigy's possession, custody or control and, because such documents may be obtained more
 17 readily by Verigy from its own sources, as being unwarranted, oppressive, and unduly burdensome.
 18 STS further specifically objects to the purported instruction that it produce documents that are
 19 possessed by "former officers, directors, employees, agents or representatives, including, but not
 20 limited to, its attorneys." STS will not produce documents possessed by such former persons or its
 21 attorneys.

22 3. STS objects generally to each Request to the extent that it would violate any
 23 individual's right to privacy and/or violate the confidentiality provisions of any contract(s). STS
 24 will not produce any documents where such production would violate an individual's right to
 25 privacy and/or violate the confidentiality provisions of any contract(s).

26 4. STS objects generally to each Request to the extent it is overly broad and unduly
 27 burdensome, and to the extent it seeks information that is neither relevant to the disputed issues in
 28 this action nor reasonably calculated to lead to the discovery of admissible evidence.

1 5. STS objects to each Request to the extent that it purports to impose burdens on STS
 2 that are inconsistent with, or not otherwise authorized by, the Federal Rules of Civil Procedure
 3 ("FRCP"). STS will construe and respond to each Request in a manner consistent with the FRCP
 4 and not otherwise.

5 6. STS objects to each Request to the extent that it is vague, ambiguous, or
 6 unintelligible.

7 7. STS objects to each Request to the extent that it seeks information or material that
 8 is not relevant to the issues in dispute in this action, or that are not reasonably calculated to lead to
 9 the discovery of relevant documents or information in this action.

10 8. STS objects to each Request as burdensome and oppressive to the extent it purports
 11 to obligate STS to re-produce documents previously produced or made of record in this action, and
 12 STS declines such re-production. STS objects to the entire set of Requests as unduly burdensome
 13 and oppressive in light of Verigy's having served such Requests while a prior document request
 14 was still pending.

15 9. STS objects to the purported instruction that it identify persons in possession of
 16 certain documents as placing burdens upon STS not placed upon it by the FRCP, and STS shall not
 17 do so.

18 10. STS objects to the purported instruction that it provide information about
 19 documents it previously possessed as placing burdens on STS not placed upon it by the FRCP, and
 20 STS shall not do so.

21 These General Objections shall be deemed to be incorporated in full into the response to
 22 each specific response to the Requests set forth below and any responses are subject to the
 23 limitations and objections set forth herein, and are without prejudice to STS's rights with respect
 24 hereto.

25 **RESPONSES TO REQUESTS FOR PRODUCTION**

26 **REQUEST FOR PRODUCTION NO. 32:**

27 All DOCUMENTS previously produced by DEFENDANTS in THIS ACTION, including
 28 but not limited to all e-mail attachments, in native file format versions with metadata intact.

1 **RESPONSE:**

2 STS objects to this Request as purporting to require the re-production of every single
 3 document produced by any defendant, which documents amount to over 50,000 in number, and in
 4 that regard as overly broad, unduly burdensome, and harassing. Plaintiff's failure to specify this
 5 form of production at the time its initial requests for production were served does not produce an
 6 obligation in defendants to undergo the considerable effort and expense in making such a re-
 7 production in the shortened time frame allotted for discovery. STS further objects to this Request
 8 as unduly burdensome, expensive and oppressive in light of Verigy's having previously asked for,
 9 and received, such documents in a different format, namely "searchable pdf," such that production
 10 in a third format is unreasonable. STS objects to this Request as lacking foundation to the extent it
 11 assumes that every document previously produced would have "metadata" associated with it.
 12 Subject to and without waiving the foregoing objections, STS responds that pursuant to agreement
 13 reached by counsel at the meet-and-confer on August 5, 2008, STS will produce in native format
 14 all those documents which are available on the active operating system identified by a "*" on the
 15 Special Master's list of documents as appended to plaintiff's Fourth Request for Production of
 16 Documents [a number of these documents were recovered by the special master using EnCase or
 17 other forensic recovery software and are not accessible without this software, and which STS
 18 identifies as not reasonably accessible pursuant to Fed. R. Civ. P. 26 (b)(2)(B)]. STS will also
 19 produce in response to this request any reasonable number of emails specifically identified by date,
 20 time, author and recipient which plaintiff may assert as having attachments or information which
 21 are missing from STS's previous productions, or to which plaintiff specifically requires access to
 22 native file metadata.

23 **REQUEST FOR PRODUCTION NO. 33:**

24 All DOCUMENTS RELATING TO any COMMUNICATIONS with Samsung
 25 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

26 **RESPONSE:**

27 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 28 production of all COMMUNICATIONS with Samsung without specifying the parties to such

1 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
 2 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
 3 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
 4 undefined terms "Samsung" and "any other product or service of STS." STS objects to this
 5 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
 6 not reasonably calculated to lead to the discovery of relevant documents or information in this
 7 action, including but not limited to documents relating to any such other STS products or services,
 8 which Verigy has no right to discover. Subject to and without waiving the foregoing objections,
 9 STS responds that it will produce all non-privileged, responsive documents not previously
 10 produced.

11 **REQUEST FOR PRODUCTION NO. 34:**

12 All DOCUMENTS RELATING TO any COMMUNICATIONS with Nextest RELATING
 13 TO the Flash Enhancer ASIC or any other product or service of STS.

14 **RESPONSE:**

15 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 16 production of all COMMUNICATIONS with Nextest without specifying the parties to such
 17 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
 18 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
 19 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
 20 undefined terms "Nextest" and "any other product or service of STS." STS objects to this Request
 21 as seeking documents that are not relevant to the issues in dispute in this action, or that are not
 22 reasonably calculated to lead to the discovery of relevant documents or information in this action,
 23 including but not limited to documents relating to any such other STS products or services, which
 24 Verigy has no right to discover. Subject to and without waiving the foregoing objections, STS
 25 responds that it will produce all non-privileged, responsive documents not previously produced.

26 **REQUEST FOR PRODUCTION NO. 35:**

27 All DOCUMENTS RELATING TO any COMMUNICATIONS with Teradyne
 28 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

1 **RESPONSE:**

2 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 3 production of all COMMUNICATIONS with Teradyne without specifying the parties to such
 4 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
 5 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
 6 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
 7 undefined terms "Teradyne" and "any other product or service of STS." STS objects to this
 8 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
 9 not reasonably calculated to lead to the discovery of relevant documents or information in this
 10 action, including but not limited to documents relating to any such other STS products or services,
 11 which Verigy has no right to discover. Subject to and without waiving the foregoing objections,
 12 STS responds that it has no such documents.

13 **REQUEST FOR PRODUCTION NO. 36:**

14 All DOCUMENTS RELATING TO any COMMUNICATIONS with Numonyx
 15 RELATING TO the Flash Enhancer ASIC or any other product or service of STS.

16 **RESPONSE:**

17 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 18 production of all COMMUNICATIONS with Numonyx without specifying the parties to such
 19 COMMUNICATIONS. STS objects to this Request as not having specified a time frame in which
 20 COMMUNICATIONS are purported to have taken place and in that regard as overly broad, unduly
 21 burdensome, vague and ambiguous. STS objects to this Request as vague and ambiguous as to the
 22 undefined terms "Numonyx" and "any other product or service of STS." STS objects to this
 23 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
 24 not reasonably calculated to lead to the discovery of relevant documents or information in this
 25 action, including but not limited to documents relating to any such other STS products or services,
 26 which Verigy has no right to discover. Subject to and without waiving the foregoing objections,
 27 STS responds that it has no such documents.

28 //

1 **REQUEST FOR PRODUCTION NO. 37:**

2 Any DOCUMENTS responsive to all demands for production of documents previously
 3 served by VERIGY in THIS LAWSUIT that have been gathered, located, created, generated or
 4 received since the date of that prior demand for production of documents.

5 **RESPONSE:**

6 STS objects to this Request to the extent that it purports to require STS to produce
 7 documents in response to requests for production previously served on other defendants over
 8 whose documents STS does not have possession, custody, or control, and therefore as more
 9 appropriately addressed to these defendants, and in that regard as overly broad, unduly
 10 burdensome, and harassing. STS shall interpret this Request as not requiring the production of
 11 documents not in its possession, custody or control. STS objects to this Request to the extent that
 12 it requires the production of privileged documents under the attorney-client, work product, or other
 13 applicable doctrine and STS shall not provide any such privileged information, even if previously
 14 inadvertently produced. STS understands this Request not to encompass privileged documents
 15 created after the filing of the action by Verig (e.g., emails between STS and any of its legal
 16 counsel in this action, past or current) and STS shall neither produce nor include such documents
 17 in a privilege log. Subject to and without waiving the foregoing objections, STS responds that to
 18 the extent that STS locates any such responsive documents in the future, it understands that it has
 19 an obligation to produce them in this action and shall do so.

20 **REQUEST FOR PRODUCTION NO. 38:**

21 Any COMMUNICATIONS with any investors or potential investors in STS.

22 **RESPONSE:**

23 STS objects to this Request as duplicative of previous discovery requests already served,
 24 and in that regard as oppressive and unduly burdensome. STS objects to this Request as vague and
 25 ambiguous to the extent that it purports to require production of all COMMUNICATIONS with
 26 investors or potential investors without specifying the parties to such COMMUNICATIONS. STS
 27 objects to this Request to the extent that it requires the production of privileged documents under
 28 the attorney-client, work product, or other applicable doctrine, or any right of privacy, and STS

1 shall not provide any such privileged information. STS understands this Request not to encompass
 2 privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
 3 any of its legal counsel in this action, past or current) and STS shall neither produce nor include
 4 such documents in a privilege log. STS objects to this Request as unduly expensive and
 5 burdensome under Fed. R. Civ. P. Rule 26(b)(2)(B) in that additional documents may exist and be
 6 in the possession of third parties, but are not reasonably accessible to STS. STS objects to this
 7 Request as vague and ambiguous as to time, and in that regard as overbroad and unduly
 8 burdensome. STS objects to this Request as seeking documents that are not relevant to the issues
 9 in dispute in this action, or that are not reasonably calculated to lead to the discovery of relevant
 10 documents or information in this action. STS objects to this Request as vague and ambiguous in
 11 its use of the undefined terms "investors" and "potential investors." Subject to and without
 12 waiving the foregoing objections, and based on a reasonable understanding of the terms "investors"
 13 and "potential investors," STS responds that it has no such additional documents.

14 **REQUEST FOR PRODUCTION NO. 39:**

15 All COMMUNICATIONS with STRAUBE.

16 **RESPONSE:**

17 STS objects to this Request as duplicative of previous discovery requests already served,
 18 and in that regard as oppressive and unduly burdensome. STS objects to this Request to the extent
 19 that it requires the production of privileged documents under the attorney-client, work product, or
 20 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 21 information. STS objects to this Request as unduly expensive and burdensome under Fed. R. Civ.
 22 P. Rule 26(b)(2)(B) in that additional documents may exist and be in the possession of third
 23 parties, but are not reasonably accessible to STS. STS understands this Request not to encompass
 24 privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
 25 any of its legal counsel in this action, past or current) and STS shall neither produce nor include
 26 such documents in a privilege log. STS objects to this Request as vague and ambiguous as to time
 27 and subject matter, and in that regard as overbroad and unduly burdensome. STS objects to this
 28 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are

1 not reasonably calculated to lead to the discovery of relevant documents or information in this
 2 action. Subject to and without waiving the foregoing objections, STS responds that it will produce
 3 all non-privileged, responsive documents not previously produced.

4 **REQUEST FOR PRODUCTION NO. 40:**

5 All COMMUNICATIONS with Grenville Hughes.

6 **RESPONSE:**

7 STS objects to this Request as duplicative of previous discovery requests already served,
 8 and in that regard as oppressive and unduly burdensome. STS objects to this Request to the extent
 9 that it requires the production of privileged documents under the attorney-client, work product, or
 10 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 11 information. STS objects to this Request as unduly expensive and burdensome under Fed. R. Civ.
 12 P. Rule 26(b)(2)(B) in that additional documents may exist and be in the possession of third
 13 parties, but are not reasonably accessible to STS. STS understands this Request not to encompass
 14 privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
 15 any of its legal counsel in this action, past or current) and STS shall neither produce nor include
 16 such documents in a privilege log. STS objects to this Request as vague and ambiguous as to time
 17 and subject matter, and in that regard as overbroad and unduly burdensome. STS objects to this
 18 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
 19 not reasonably calculated to lead to the discovery of relevant documents or information in this
 20 action. Subject to and without waiving the foregoing objection STS responds that it has no such
 21 documents.

22 **REQUEST FOR PRODUCTION NO. 41:**

23 All DOCUMENTS RELATING TO the complete patent file wrapper(s) for all patents
 24 applied for or issued to STS or ROMI MAYDER.

25 **RESPONSE:**

26 STS objects to this Request to the extent it seeks information that is in the public domain,
 27 and is therefore equally available to plaintiff from its own sources and in that regard as unduly
 28 burdensome. STS objects to this Request to the extent that it fails to specify whether the patents to

1 which it purports to refer are issued by the United States or another country; in light of Request
 2 No. 42, below, STS will interpret this request as seeking documents pertaining only to patents
 3 issued by the United States. STS objects to this Request to the extent that it seeks documents that
 4 are not in the possession, custody or control of STS. STS objects to this Request to the extent it
 5 seeks information as to patents that are not relevant to this dispute, or that are not reasonably
 6 calculated to lead to the discovery of relevant documents or information in this action and in that
 7 regard as overly broad, and unduly burdensome. Subject to the foregoing objections, STS responds
 8 that any such documents are in the possession of third parties, and it is working diligently to gather
 9 these documents from where they currently reside, and will be producing these documents as they
 10 become available and are reviewed for privilege.

11 **REQUEST FOR PRODUCTION NO. 42:**

12 All COMMUNICATIONS with the United States Patent and Trademark Office
 13 RELATING TO all patents applied for or issued to STS or ROMI MAYDER.

14 **RESPONSE:**

15 STS objects to this Request as vague and ambiguous to the extent that it purports to require
 16 production of all COMMUNICATIONS with the United States Patent and Trademark Office
 17 without specifying the parties to such COMMUNICATIONS. STS objects to this Request as not
 18 having specified a time frame in which COMMUNICATIONS are purported to have taken place
 19 and in that regard as overly broad, unduly burdensome, vague and ambiguous. STS objects to this
 20 Request to the extent it seeks information as to patents that are not relevant to this dispute, or that
 21 are not reasonably calculated to lead to the discovery of relevant documents or information in this
 22 action, and in that regard as overly broad and unduly burdensome. Subject to and without waiving
 23 the foregoing objections, STS responds that any such documents are in the possession of third
 24 parties, and it is working diligently to gather these documents from where they currently reside,
 25 and will be producing these documents as they become available and are reviewed for privilege.

26 **REQUEST FOR PRODUCTION NO. 43:**

27 All COMMUNICATIONS with Schneck & Schneck RELATING TO all patents applied
 28 for or issued to STS or ROMI MAYDER.

1 **RESPONSE:**

2 STS objects to this Request to the extent that it requires the production of privileged
 3 documents under the attorney-client, work product, the right of privacy, or other applicable
 4 doctrine and STS shall not provide any such privileged information. STS understands this
 5 Request not to encompass privileged documents created after the filing of the action by Verigy
 6 (e.g., emails between STS and any of its legal counsel in this action, past or current) and STS
 7 shall neither produce nor include such documents in a privilege log. Subject to and without
 8 waiving the foregoing objections, STS responds that all such documents are privileged under the
 9 attorney-client and work product doctrine, and it shall not produce documents in response to this
 10 Request.

11 **REQUEST FOR PRODUCTION NO. 44:**

12 All DOCUMENTS RELATING TO any prototype ASIC specified, designed, developed,
 13 built, manufactured or produced by STS or ROMI MAYDER.

14 **RESPONSE:**

15 STS objects to this Request as duplicative of previous discovery requests already
 16 served, and in that regard as oppressive and unduly burdensome. STS objects to this Request
 17 to the extent that it requires the production of privileged documents under the attorney-client,
 18 work product, the right of privacy, or other applicable doctrine and STS shall not provide any
 19 such privileged information. STS understands this Request not to encompass privileged
 20 documents created after the filing of the action by Verigy (e.g., emails between STS and any
 21 of its legal counsel in this action, past or current) and STS shall neither produce nor include
 22 such documents in a privilege log. STS objects to this Request to the extent it seeks
 23 information as to products that are not relevant to this dispute, or that are not reasonably
 24 calculated to lead to the discovery of relevant documents or information in this action, and in
 25 that regard as overly broad and unduly burdensome. STS objects to this Request as vague and
 26 ambiguous as to time, and in that regard as overly broad and unduly burdensome. STS objects
 27 to this Request as vague and ambiguous as to the undefined term "prototype." Subject to and
 28 without waiving the foregoing objections, and based on a reasonable understanding of the

1 term "prototype," STS responds that it will produce any non-privileged, responsive documents
 2 in its possession, custody or control that have not previously been produced.

3 **REQUEST FOR PRODUCTION NO. 45:**

4 A copy of the prototype ASIC delivered to Intel Corporation in or about November 2007.

5 **RESPONSE:**

6 STS objects to this Request as vague and ambiguous as to the undefined term "prototype."
 7 Subject to and without waiving the foregoing objection, and based on a reasonable understanding
 8 of the term "prototype," STS responds that there is no such document or thing produced in the time
 9 frame indicated, but Intel has returned the prototype ASIC delivered in December 2007, and this
 10 ASIC is currently in the possession of STS's attorneys at Russo & Hale LLP, 401 Florence Street,
 11 Palo Alto, CA 94301, tel: (650) 327-9800. Owing to the constraints of the technology, it is not
 12 possible to either copy or handle the prototype ASIC, but STS is willing to make the ASIC
 13 available either by producing photographs of the ASIC or by inspection in a "clean room" at a date
 14 and time agreed upon by both parties at Russo & Hale's offices in Palo Alto, subject to Verigy's
 15 covering any and all of the costs associated with such inspection.

16 **REQUEST FOR PRODUCTION NO. 46:**

17 An exemplar of the current version of the Flash Enhancer ASIC.

18 **RESPONSE:**

19 STS objects to this Request to the extent that it purports to require production of documents
 20 or things that have previously been produced, and in that regard as unduly burdensome. STS
 21 objects to this Request as vague and ambiguous in its use of the undefined terms "current version"
 22 and "Flash Enhancer ASIC." Subject to and without waiving the foregoing objections, and based
 23 on a reasonable understanding of the terms "current version" and "Flash Enhancer ASIC," STS
 24 responds that pursuant to the Preliminary Injunction in place in this matter, all such documents
 25 have previously been produced by STS.

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1 **REQUEST FOR PRODUCTION NO. 47:**

2 All DOCUMENTS RELATING TO the current or any updated version of the Flash
 3 Enhancer ASIC, including but not limited to, specifications, engineering notebooks, lab notebooks,
 4 data sheets, test results or e-mail.

5 **RESPONSE:**

6 STS objects to this Request to the extent that it requires the production of privileged
 7 documents under the attorney-client, work product, the right of privacy, or other applicable
 8 doctrine and STS shall not provide any such privileged information. STS understands this Request
 9 not to encompass privileged documents created after the filing of the action by Verigy (e.g., emails
 10 between STS and any of its legal counsel in this action, past or current) and STS shall neither
 11 produce nor include such documents in a privilege log. STS objects to this Request to the extent
 12 that it purports to require production of documents or things that have previously been produced,
 13 and in that regard as unduly burdensome. STS objects to this Request as vague and ambiguous as
 14 to time, and in that regard as overly broad and unduly burdensome. STS objects to this Request as
 15 vague and ambiguous as to the undefined term "current or any updated version of the Flash
 16 Enhancer ASIC." Subject to and without waiving the foregoing objections, and based on a
 17 reasonable understanding of the phrase "current or any updated version of the Flash Enhancer
 18 ASIC," STS responds that it will produce any non-privileged, responsive documents that have not
 19 previously been produced by STS.

20 **REQUEST FOR PRODUCTION NO. 48:**

21 All DOCUMENTS RELATING TO any plans for future products.

22 **RESPONSE:**

23 STS objects to this Request to the extent it seeks information as to patents that are not
 24 relevant to this dispute, and in that regard as not reasonably calculated to lead to the discovery of
 25 admissible evidence, overly broad, and unduly burdensome. STS objects to this request to the extent
 26 that it requires the production of privileged documents under the attorney-client, work product, the
 27 right of privacy, or other applicable doctrine and STS shall not provide any such privileged
 28 information. STS understands this Request not to encompass privileged documents created after the

1 filing of the action by Verigy (e.g., emails between STS and any of its legal counsel in this action,
 2 past or current) and STS shall neither produce nor include such documents in a privilege log. STS
 3 objects to this Request as vague and ambiguous as to the undefined terms "plans" and "future
 4 products." STS objects to this Request to the extent it seeks information as to products that are not
 5 relevant to this dispute, or that are not reasonably calculated to lead to the discovery of relevant
 6 documents or information in this action, and in that regard as overly broad and unduly burdensome.
 7 Subject to and without waiving the foregoing objections, and based on a reasonable understanding of
 8 the terms "plans" and "future products," STS responds that it has no such documents.

9 **REQUEST FOR PRODUCTION NO. 49:**

10 All credit card statements reflecting any orders or purchases from bookfactory.com

11 **RESPONSE:**

12 STS objects to this Request to the extent it seeks information as to matters that are not
 13 relevant to this dispute, and that is not reasonably calculated to lead to the discovery of admissible
 14 evidence, and is overly broad and unduly burdensome. STS objects to this Request to the extent
 15 that it requires the production of documents protected by the right of privacy. STS objects to this
 16 Request as unlimited as to time, and in that regard as vague, ambiguous and unduly burdensome.
 17 STS objects to this Request as failing to specify the parties to the purported orders or purchases,
 18 and in that regard as vague and ambiguous. STS objects to this Request as vague and ambiguous
 19 in its use of the undefined term "reflecting." Subject to and without waiving the foregoing
 20 objections, and based on a reasonable understanding of the term "reflecting," STS responds that it
 21 has no such documents.

22 **REQUEST FOR PRODUCTION NO. 50:**

23 All DOCUMENTS RELATING TO all versions ever posted of the STS website.

24 **RESPONSE:**

25 STS objects to this Request to the extent it seeks information as to matters that are not
 26 relevant to this dispute, and that are not calculated to lead to the discovery of admissible evidence
 27 in this action, in that regard as overly broad and unduly burdensome. STS objects to this Request
 28 in that it purports to seek production of documents that are equally available to STS through its

1 own or public sources such as the "Wayback Machine," and in that regard as overly broad and
 2 unduly burdensome. STS objects to this Request as unduly expensive and burdensome under Fed.
 3 R. Civ. P. Rule 26(b)(2)(B) in that additional documents may exist and be in the possession of
 4 third parties, but are not reasonably accessible to STS. STS objects to this Request in its use of the
 5 undefined terms "versions," "posted," and "STS website." Subject to and without waiving the
 6 foregoing objections, and based on a reasonable understanding of the terms "versions," "posted,"
 7 and "STS website," STS responds that these items are not reasonably accessible pursuant to Fed.
 8 R. Civ. P. 26 (b)(2)(B)], and further that these items are more readily obtainable by plaintiff
 9 through a subpoena on Network Solutions which hosted the website and on information and belief
 10 may have possession, custody or control of these documents .

11 **REQUEST FOR PRODUCTION NO. 51:**

12 All DOCUMENTS ever made available through the STS website.

13 **RESPONSE:**

14 STS objects to this Request to the extent it seeks information as to matters that are not
 15 relevant to this dispute, or that are not reasonably calculated to lead to the discovery of admissible
 16 evidence in this action, and in that regard as overly broad and unduly burdensome. STS objects to
 17 this Request as unduly expensive and burdensome under Fed. R. Civ. P. Rule 26(b)(2)(B) in that
 18 additional documents may exist and be in the possession of third parties, but are not reasonably
 19 accessible to STS. STS objects to this Request as unspecified as to time, and in that regard as
 20 overly broad and unduly burdensome. Subject to and without waiving the foregoing objections,
 21 STS responds that these items are not reasonably accessible pursuant to Fed. R. Civ. P. 26
 22 (b)(2)(B)], and further that these items are more readily obtainable by plaintiff through a subpoena
 23 on Network Solutions which hosted the website and on information and belief may have
 24 possession, custody or control of these documents.

25 **REQUEST FOR PRODUCTION NO. 52:**

26 All COMMUNICATIONS with Dick Weber.

27 **RESPONSE:**

28 STS objects to this Request as duplicative of previous discovery requests already served,

1 and in that regard as oppressive and unduly burdensome. STS objects to this requests to the extent
 2 that it requires the production of privileged documents under the attorney-client, work product, or
 3 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 4 information. STS objects to this Request as unduly expensive and burdensome under Fed. R. Civ.
 5 P. Rule 26(b)(2)(B) in that additional documents may exist and be in the possession of third
 6 parties, but are not reasonably accessible to STS. STS understands this Request not to encompass
 7 privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
 8 any of its legal counsel in this action, past or current) and STS shall neither produce nor include
 9 such documents in a privilege log. STS objects to this Request as vague and ambiguous as to time
 10 and subject matter, and in that regard as overbroad and unduly burdensome. STS objects to this
 11 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
 12 not reasonably calculated to lead to the discovery of relevant documents or information in this
 13 action. Subject to and without waiving the foregoing objections, STS responds that all such
 14 responsive, non-privileged documents have been previously produced.

15 **REQUEST FOR PRODUCTION NO. 53:**

16 All COMMUNICATIONS with Richard Foster.

17 **RESPONSE:**

18 STS objects to this Request as duplicative of previous discovery requests already served,
 19 and in that regard as oppressive and unduly burdensome. STS objects to this requests to the extent
 20 that it requires the production of privileged documents under the attorney-client, work product, or
 21 other applicable doctrine, or any right of privacy, and STS shall not provide any such privileged
 22 information. STS objects to this Request as unduly expensive and burdensome under Fed. R. Civ.
 23 P. Rule 26(b)(2)(B) in that additional documents may exist and be in the possession of third
 24 parties, but are not reasonably accessible to STS. STS understands this Request not to encompass
 25 privileged documents created after the filing of the action by Verigy (e.g., emails between STS and
 26 any of its legal counsel in this action, past or current) and STS shall neither produce nor include
 27 such documents in a privilege log. STS objects to this Request as vague and ambiguous as to time
 28 and subject matter, and in that regard as overbroad and unduly burdensome. STS objects to this

1 Request as seeking documents that are not relevant to the issues in dispute in this action, or that are
2 not reasonably calculated to lead to the discovery of relevant documents or information in this
3 action. Subject to and without waiving the foregoing objections, STS responds that it will
4 supplement its previous productions with all reasonably accessible, non-privileged, responsive
5 documents not previously produced by STS.

6 Dated: August 19, 2008

RUSSO & HALE LLP

7 By:

8 Tim C. Hale

9 Attorneys for Defendants and Counterclaimants
10 ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
SILICON TEST SOLUTIONS, LLC and WESLEY
11 MAYDER

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1 JACK RUSSO (State Bar No. 96068)
 2 TIM C. HALE (State Bar No. 114905)
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7 Attorneys for Defendants and Counterclaimants
 ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
 8 SILICON TEST SOLUTIONS, LLC and WESLEY
 MAYDER

9
 IN THE UNITED STATES DISTRICT COURT
 10
 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11
 SAN JOSE DIVISION

12
 13 VERIGY US, INC., a Delaware Corporation,

Case No. 5:07-cv-04330-RMW (HRL)

14 Plaintiff,

CERTIFICATE OF SERVICE

15 v.
 16 ROMI MAYDER, an individual; WESLEY
 17 MAYDER, an individual; SILICON TEST
 SYSTEMS, INC., a California Corporation;
 18 and SILICON TEST SOLUTIONS, LLC, a
 California Limited Liability Corporation,
 inclusive,

19 Defendants.

20 AND RELATED CROSSCLAIMS.

21
 22 I am a resident of the State of California, over the age of eighteen years, and not a party to
 23 the within action. I work with the law firm of RUSSO & HALE LLP, whose address is 401
 24 Florence Street, Palo Alto, California 94301. On August 19, 2008, I caused to be served the
 25 following document(s) by the method(s) listed below:

26 1. DEFENDANT SILICON TEST SYSTEMS, INC.'S AMENDED &
 27 SUPPLEMENTAL RESPONSES & OBJECTIONS TO PLAINTIFF VERIGY
 US, INC.'S THIRD SET OF REQUESTS FOR PRODUCTION OF
 DOCUMENTS

1 **2. STSI 004628 – STSI 004629**

2 **3. CD: STSI 8/19/2008 NATIVE FILES.**

3 **4. STSI 000964 – STSI 004627**

4 **5. CERTIFICATE OF SERVICE [UNEXECUTED].**

<p>6 <input type="checkbox"/> MAIL: I am readily familiar with the firm's 7 practice of collection and processing 8 correspondence for mailing. Under that 9 practice, the document(s) described herein 10 would be sealed in an envelope which would 11 be deposited with the United States Postal 12 Service on the above-listed date with postage 13 thereon fully prepaid in the ordinary course of 14 business.</p>	<p>6 <input type="checkbox"/> FAX: I caused to be transmitted via 7 facsimile the document(s) listed above to the 8 fax number(s) set forth below on above-listed 9 date. The transmission was reported as 10 complete and without error by the facsimile 11 machine at telephone number (650) 327-3737, 12 and a copy of the properly-issued transmission 13 report(s) are attached hereto.</p>
<p>11 <input type="checkbox"/> FEDEX: I am readily familiar with the 12 practice of Russo & Hale LLP for collection 13 and processing of correspondence for overnight 14 delivery and know that the document(s) 15 described herein were deposited on the date set 16 forth below in a box or other facility regularly 17 maintained by FedEx for overnight delivery in 18 an envelope or package designated by FedEx 19 with delivery fees paid or provided for, 20 addressed to the person(s) at the address(es) set 21 forth below.</p>	<p>11 <input type="checkbox"/> PERSONAL: I personally served the above- 12 listed documents to the person(s) at the 13 address(es) set forth below by: (a) handing to 14 the person(s); or, (b) leaving it at the person's(s) 15 office with a clerk or other person in charge, or 16 if no one was in charge, leaving it in a 17 conspicuous place in the office.</p>
<p>17 <input checked="" type="checkbox"/> HAND: I personally delivered the above- 18 listed documents on the date set forth above to 19 an authorized courier to be served by hand by 20 said courier on the date set forth above to the 21 person(s) at the address(es) set forth below.</p>	<p>17 <input checked="" type="checkbox"/> ELECTRONIC MAIL: I caused a true copy 18 of the foregoing document(s) to be served on 19 counsel via e-mail at the addresses set forth 20 below. Each e-mail was complete and no 21 reports of error were received.</p>

20 Counsel for plaintiff Verigy US, Inc.:

21 Melinda M. Morton
 22 John W. Fowler
 23 Michael W. Stebbins
 24 BERGESON, LLP
 25 303 Almaden Boulevard, Suite 500
 26 San Jose, CA 95110
 27 Fax: (408) 297-6000
 28 Tel: (408) 291-6200
 29 Email: mmorton@be-law.com
 30 jfowler@be-law.com
 31 mstebbins@be-law.com

32 I declare under penalty of perjury under the laws of the State of California that the
 33 foregoing is true and correct based upon my personal knowledge.

1 Executed on August 19, 2008 in Palo Alto, California.
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3 Lucy Goodnough
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